

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DOMINIC V. DiMODICA,

Plaintiff,

v.

Civil Action No. 05-10286-PBS

ROBERT F. MURPHY, JR., KATHLEEN  
M. DENNEHY, and the MASSACHUSETTS  
DEPARTMENT OF CORRECTION,

Defendants.

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**JOINT MOTION TO CONTINUE TRIAL DATE**

Plaintiff Domenic V. DiModica (“Mr. DiModica”) and Defendants Robert F. Murphy, Jr., Kathleen M. Dennehy, and the Massachusetts Department of Correction (collectively, “Defendants”), hereby jointly move and respectfully request that this Court postpone the trial in this matter for 90 days. In support of this motion, the parties state as follows:

1. Trial is scheduled to begin on May 27, 2008.
2. In an effort to voluntarily resolve this matter, the parties met in good faith to discuss settlement. An agreement in substance has been reached and is in the process of being finalized.
3. Because of the unique nature of this litigation, review and approval of the settlement agreement in its final form will take considerable time. In addition to counsel, experts for Mr. DiModica and representatives for Defendants need to review and approve any settlement agreement. Any settlement agreement therefore will not be finalized on or before the current trial date of May 27, 2008.

4. The parties sincerely believe that settlement is imminent and jointly seek this postponement. Postponing the trial date for 90 days in order to permit the parties to resolve this matter by settlement will conserve judicial and party resources and encourage the parties to continue in their good faith effort to resolve the parties' dispute.

Respectfully submitted,

ROBERT MURPHY, KATHLEEN  
DENNEHY, and the MASSACHUSETTS  
DEPARTMENT OF CORRECTION

DOMINIC V. DiMODICA,

By their attorneys,

By his attorney,

/s/Mary P. Murray  
Mary P. Murray (BBO #555215)  
Department of Correction  
Massachusetts Treatment Center Legal Office  
30 Administration Road  
Bridgewater, MA 02324  
(508) 279-8184

/s/ Erin S. Martino  
Erin S. Martino (BBO #658100)  
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World Trade Center East  
Two Seaport Lane,  
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(617) 946-4800

Date: May 21, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper will be sent to those indicated as not registered participants on May 21, 2008.

/s/ Erin S. Martino

Erin S. Marino